

ASSEMBLY BILL

No. 2087

Introduced by Assembly Member Oropeza

February 19, 2002

An act to amend Sections 5273, 5273.5, and 5440 of, to add Sections 5273.6 and 5442.11 to, and to repeal Sections 5441 and 5442.9 of, the Business and Professions Code, relating to outdoor advertising.

LEGISLATIVE COUNSEL'S DIGEST

AB 2087, as introduced, Oropeza. Outdoor advertising.

Existing provisions of the Outdoor Advertising Act regulate the placement of off-premise advertising displays along highways, which generally are displays advertising business conducted or services rendered or goods produced at a location other than the property upon which the display is located. The act provides exemptions from certain of its provisions applicable to any redevelopment agency for otherwise nonconforming advertising displays that advertise any business activity on land within the limits of an individual redevelopment project that is contiguous to the land on which the display is located. The act also provides exemptions from certain of its provisions applicable only in certain cities for otherwise nonconforming advertising displays that advertise any business activity anywhere within the boundaries of any redevelopment project area or areas in that city. The exemptions are for a 10-year period, unless extended through an agreement with the Department of Transportation. The act also generally prohibits advertising displays along landscaped freeways, but provides specific exemptions from that prohibition for displays in certain communities.

This bill would combine the redevelopment area exemptions described above, thereby expanding the exemption that currently

applies only in certain cities to apply to any redevelopment agency and would extend the exemption period from 10 to 20 years. The bill would add similar provisions providing a 20-year exemption from certain provisions of the act relative to advertising displays located adjacent to a freeway on publicly owned land of a city, county, school district, or special district that advertise any business conducted, services rendered, or goods produced within the boundary limits of the affected local agency.

This bill would also expand the provisions providing an exemption from the prohibition against advertising displays along landscaped freeways to include any advertising display located on publicly owned property.

This bill would make other related changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of this act to enhance the business
 2 climate within the jurisdiction of cities, counties, school districts,
 3 and special districts and to create a new source of revenue for those
 4 local agencies.
 5 SEC. 2. Section 5273 of the Business and Professions Code
 6 is amended to read:
 7 5273. For the purpose of this chapter, advertising displays
 8 advertising those businesses and activities developed within the
 9 boundary limits of, and as a part of, ~~an individual~~ any
 10 redevelopment agency project *area or areas* may, with the consent
 11 of the *governing* redevelopment agency ~~governing the project~~, be
 12 considered to be on the premises anywhere within the *boundary*
 13 limits of ~~that redevelopment area's project when all of the land is~~
 14 ~~contiguous or is separated only by a public highway or public~~
 15 ~~facilities developed or relocated for inclusion within the project as~~
 16 ~~a part of the original redevelopment plan~~ *area or areas* for a period
 17 not to exceed ~~10~~ 20 years or the completion of the project,
 18 whichever first occurs, after which Sections 5272 and 5405 apply,
 19 unless an arrangement has been made for extension of the period
 20 between the redevelopment agency and the department for good
 21 cause. The ~~10-year~~ 20-year period for existing displays shall
 22 commence on January 1, ~~1986~~ 2003.

SEC. 3. Section 5273.5 of the Business and Professions Code is amended to read:

~~5273.5. (a) Notwithstanding Section 5273, for the purposes of this chapter, in the City of Buena Park in Orange County, the Cities of Commerce, Covina, and South Gate in Los Angeles County, and the City of Victorville in San Bernardino County, advertising displays advertising those businesses and activities developed within the boundary limits of, and as a part of, any redevelopment agency project area or areas may, with the consent of the redevelopment agency governing the project area, be considered to be on the premises anywhere within the legal boundaries of the redevelopment agency's project area or areas for a period not to exceed 10 years or the completion of the project, whichever occurs first, after which Sections 5272 and 5405 apply, unless an arrangement has been made for extension of the period between the redevelopment agency and the department for good cause.~~

~~(b) The governing body of a redevelopment agency in the cities set forth in subdivision (a), upon approving the purchase, lease, or other authorization for the erection of an advertising display pursuant to this section Section 5273, shall prepare, adopt, and submit to the department an application for the issuance of a permit that, at a minimum, includes a finding that the advertising display would not result in a concentration of displays that will have a negative impact on the safety or aesthetic quality of the community. The department shall only deny the application if the proposed structure violates Sections 5400 to 5405, inclusive, or subdivision (d) of Section 5408, or if the display would cause a reduction in federal-aid highway funds as provided in Section 131 of Title 23 of the United States Code.~~

SEC. 4. Section 5273.6 is added to the Business and Professions Code, to read:

5273.6. (a) Notwithstanding Section 5273, for the purposes of this chapter, advertising displays located adjacent to a freeway on publicly owned land of a city, county, city and county, school district, or special district and which advertise any business conducted, services rendered, or goods produced and sold within the boundary limits of the city, county, city and county, school district, or special district may, with the consent of the affected public agency, be considered to be on the premises advertising

1 displays for a period not to exceed 20 years. A public agency that
2 consents to an advertising display pursuant to this section may
3 assess fees or impose conditions requiring the removal of other off
4 the premises advertising displays located adjacent to local streets.

5 (b) The governing body of a public agency set forth in
6 subdivision (a), upon approving the purchase, lease, or other
7 authorization for the erection of an advertising display pursuant to
8 this section, shall prepare, adopt, and submit to the department an
9 application for the issuance of a permit that, at a minimum,
10 includes a finding that the advertising display would not result in
11 a concentration of displays that will have a negative impact on the
12 safety or aesthetic quality of the community. The department shall
13 only deny the application if the proposed structure violates
14 Sections 5400 to 5405, inclusive, or subdivision (d) of Section
15 5408, or if the display would cause a reduction in federal-aid
16 highway funds as provided in Section 131 of Title 23 of the United
17 States Code.

18 SEC. 5. Section 5440 of the Business and Professions Code
19 is amended to read:

20 5440. Except as *otherwise* provided in ~~Sections 5441, 5442,~~
21 ~~5442.7, 5442.8, 5442.9, and 5442.10~~ *this article*, no advertising
22 display may be placed or maintained on property adjacent to a
23 section of a freeway that has been landscaped if the advertising
24 display is designed to be viewed primarily by persons traveling on
25 the main-traveled way of the landscaped freeway.

26 SEC. 6. Section 5441 of the Business and Professions Code
27 is repealed.

28 ~~5441. Any advertising display which is now, or hereafter~~
29 ~~becomes, in violation of Section 5440 shall be subject to removal~~
30 ~~three years from the date the freeway has been declared a~~
31 ~~landscaped freeway by the director or the director's designee and~~
32 ~~the character of the freeway has been changed from a freeway to~~
33 ~~a landscaped freeway.~~

34 SEC. 7. Section 5442.9 of the Business and Professions Code
35 is repealed.

36 ~~5442.9. (a) Notwithstanding Section 5440, a city described~~
37 ~~in subdivision (b) may erect a nonconforming display if all of the~~
38 ~~following apply:~~

39 ~~(1) The display is placed on property that the city has owned~~
40 ~~since before January 1, 1995.~~

1 ~~(2) Not more than one additional display is added to the number~~
2 ~~of signs within the city that do not conform to this article as of~~
3 ~~January 1, 2000.~~

4 ~~(3) The display is located within the boundaries of the city.~~

5 ~~(4) Placement or maintenance of the display does not require~~
6 ~~the immediate trimming, pruning, topping, or removal of existing~~
7 ~~trees to provide visibility to the display, unless done as part of the~~
8 ~~normal landscape maintenance activities that would have been~~
9 ~~undertaken without regard to the placement or maintenance of the~~
10 ~~display.~~

11 ~~(5) No public funds are required to be expended to pay for the~~
12 ~~costs of the display.~~

13 ~~(6) The display does not impose additional liability on the~~
14 ~~Department of Transportation.~~

15 ~~(7) The display does not cause a reduction in federal aid~~
16 ~~highway funds, as provided in Section 131 of Title 23 of the United~~
17 ~~States Code.~~

18 ~~(8) All proceeds received by a participating city by allowing~~
19 ~~the erection of the nonconforming display are expended by the city~~
20 ~~solely for parks and programs for at-risk youth.~~

21 ~~(9) The display does not advertise products or services which~~
22 ~~are directed at an adult population, including, but not limited to,~~
23 ~~alcohol, tobacco, and gambling activities.~~

24 ~~(b) For purposes of this section, city is any city that meets all~~
25 ~~of the following conditions:~~

26 ~~(1) The city's population is 17,000 persons or less.~~

27 ~~(2) The city's annual budget is less than eight million dollars~~
28 ~~(\$8,000,000).~~

29 ~~(3) The city's geographical area is less than 1.7 square miles.~~

30 ~~(4) The city is located in an urbanized county containing a~~
31 ~~population of 6,000,000 or more persons.~~

32 SEC. 8. Section 5442.11 is added to the Business and
33 Professions Code, to read:

34 5442.11. Section 5440 does not apply to any advertising
35 display on publicly owned property, provided that the display does
36 not cause a reduction in federal aid highway funds, as provided in
37 Section 131 of Title 23 of the United States Code.